

**DECLARATION
Utility Application**

EXPRESS MAIL EL199138858US
Atty. Docket 253/054

EXPRESS MAIL
EV051346553US
Atty. Docket 272/090

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **INTRAVASCULAR DEVICE FOR VENTING AN INFLATABLE CHAMBER** the specification of which

(Check One)

☒
☐

is attached hereto OR
was filed on _____ as United States Application Serial No. Not Yet
Assigned or PCT International Application No. _____ and was amended on
_____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Date of Filing | Priority Claimed | |
|--|---------|----------------|------------------|----|
| | | | Yes | No |
| | | | | |

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

| Application Number(s) | Filing Date |
|-----------------------|-------------|
| | |

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. Parent Application Number | PCT Parent Number | Parent Filing Date | Status-Patented, Pending or Abandoned |
|-----------------------------------|-------------------|--------------------|---|
| | | | |

| | | |
|---|---|--|
| Send Correspondence to: Charles A. Kertell, Esq. | LYON & LYON LLP 633 W Fifth St., Suite 4700 Los Angeles, CA 90071 | Direct Telephone calls to: Charles A. Kertell, Esq. (213) 489-1600 |
|---|---|--|

| | | | | | |
|-----|-------------------------|---------------------|--|------------------------------|-------------------|
| | FULL NAME OF INVENTOR | FIRST Name Peter | MIDDLE Initial | LAST Name Thornton | |
| 201 | RESIDENCE & CITIZENSHIP | City Los Altos | State or Foreign Country California | Country of Citizenship US | |
| | POST OFFICE ADDRESS | 1416 Fairway Drive | City Los Altos | State or Country CA | Zip Code 94024 |
| | FULL NAME OF INVENTOR | FIRST Name | MIDDLE Initial | LAST Name | |
| 202 | RESIDENCE & CITIZENSHIP | City | State or Foreign Country | Country of Citizenship | |
| | POST OFFICE ADDRESS | | City | State or Country | Zip Code |
| | FULL NAME OF INVENTOR | FIRST Name | MIDDLE Initial | LAST Name | |
| 203 | RESIDENCE & CITIZENSHIP | City | State or Foreign Country | Country of Citizenship | |
| | POST OFFICE ADDRESS | | City | State or Country | Zip Code |
| | FULL NAME OF INVENTOR | FIRST Name | MIDDLE Initial | LAST Name | |
| 204 | RESIDENCE & CITIZENSHIP | City | State or Foreign Country | Country of Citizenship | |
| | POST OFFICE ADDRESS | | City | State or Country | Zip Code |
| | FULL NAME OF INVENTOR | FIRST Name | MIDDLE Initial | LAST Name | |
| 205 | RESIDENCE & CITIZENSHIP | City | State or Foreign Country | Country of Citizenship | |
| | POST OFFICE ADDRESS | | City | State or Country | Zip Code |
| | FULL NAME OF INVENTOR | FIRST Name | MIDDLE Initial | LAST Name | |
| 206 | RESIDENCE & CITIZENSHIP | City | State or Foreign Country | Country of Citizenship | |
| | POST OFFICE ADDRESS | | City | State or Country | Zip Code |

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| | |
|-----------------------|---------------|
| Signature of Inventor | 201 |
| Date | July 16, 1999 |
| Signature of Inventor | 202 |
| Date | |
| Signature of Inventor | 203 |
| Date | |

| | |
|-----------------------|-----|
| Signature of Inventor | 204 |
| Date | |
| Signature of Inventor | 205 |
| Date | |
| Signature of Inventor | 206 |
| Date | |

(Signatures should conform to names as presented at 201 & seq. above.)

**POWER OF ATTORNEY
By Assignee**

**Patent
233/270**

EXPRESS MAIL EL199138858US
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EMBOL-X, Inc., assign e(s) of the application for United States Letters Patent for an Improvement in INTRAVASCULAR DEVICE FOR VENTING AN INFLATABLE CHAMBER by Peter Thornton the specification of which was

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- ☒ executed on even date herewith, or
☐ filed Not Yet Filed having Serial No. Not Yet Assigned.

hereby appoints as its attorneys and/or agents, with full power of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Roland N. Smoot, Reg. No. 18,718; Conrad R. Solum, Jr., Reg. No. 20,467; James W. Gerlak, Reg. No. 20,233; Robert M. Taylor, Jr., Reg. No. 19,848; Samuel B. Stone, Reg. No. 19,297; Douglas E. Olson, Reg. No. 22,798; Robert E. Lyon, Reg. No. 24,171; Robert C. Weiss, Reg. No. 24,939; Richard E. Lyon, Jr., Reg. No. 26,300; John D. McConaghy, Reg. No. 26,773; William C. Steffin, Reg. No. 26,811; Coe A. Bloomberg, Reg. No. 26,605; J. Donald McCarthy, Reg. No. 25,119; John M. Benassi, Reg. No. 27,483; James H. Shalek, Reg. No. 29,749; Allan W. Jansen, Reg. No. 29,395; Robert W. Dickerson, Reg. No. 29,914; Roy L. Anderson, Reg. No. 30,240; David B. Murphy, Reg. No. 31,125; James C. Brooks, Reg. No. 29,898; Jeffrey M. Olson, Reg. No. 30,790; Steven D. Hemminger, Reg. No. 30,755; Jerrold B. Reilly, Reg. No. 32,293; Paul H. Meier, Reg. No. 32,274; John A. Rafter, Jr., Reg. No. 31,653; Kenneth H. Ohrlner, Reg. No. 31,646; Mary S. Consalvi, Reg. No. 32,212; Lois M. Kwasigroch, Reg. No. 35,579; Lawrence R. LaPorte, Reg. No. 38,948; Robert C. Laurenson, Reg. No. 34,206; Carol A. Schneider, Reg. No. 34,923; Hope E. Melville, Reg. No. 34,874; Michael J. Wise, Reg. No. 34,047; Richard J. Warburg, Reg. No. 32,327; Kurt T. Mulville, Reg. No. 37,194; Theodore S. Maceiko, Reg. No. 35,593; Bruce G. Chapman, Reg. No. 33,846; F. T. Alexandra Mahaney, Reg. No. 37,668; and Charles A. Kertell, Reg. No. 41,891.

Send Correspondence to:
Charles A. Kertell, Esq.

LYON & LYON LLP
633 W Fifth St., Suite 4700
Los Angeles, CA 90071-2066

Direct Telephone calls to:
Charles A. Kertell, Esq
(213) 489-1600

I, the undersigned, declare that I have reviewed copies of the documentary evidence establishing chain of title from the inventor(s) to the assignee(s) which

- ☒ is filed for recordation herewith; or
☐ was recorded at Reel _____, Frame _____; or
☐ has been sent for recordation under separate cover, copy attached herewith.

The undersigned has reviewed all the documents in the chain of title of the patent applicant identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee(s) identified above. Furthermore, the undersigned is empowered to sign this document on behalf of the assignee(s).

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full Name of Assignee: EMBOL-X, Inc.

Post Office Address 645 Clyde Avenue, Mountain View, California 94043-2213

Signature of Declarant or Assignee:

Date:

Full Name of Assignee:

Post Office Address

Signature of Declarant or Assignee:

Date:

Full Name of Declarant

If Other Than Assignee. Yue-Teh Jang

Title of Declarant President and Chief Operating Officer

Address of Declarant 645 Clyde Avenue, Mountain View, CA 94043-2213

ASSIGNMENT

WHEREAS, I, PETER THORNTON, a citizen of THE UNITED STATES OF AMERICA (hereinafter referred to as "ASSIGNOR"), have invented and own a certain invention entitled INTRAVASCULAR DEVICE FOR VENTING AN INFLATABLE CHAMBER for which application for Letters Patent of the United States of America has been executed on even date herewith; and

WHEREAS, EMBOL-X, INC., a corporation organized and existing under and by virtue of the laws of the State of Delaware, and having its principal place of business at 645 Clyde Avenue, Mountain View, California, 94043-2213 (hereinafter referred to as "ASSIGNEE"), is desirous of acquiring the exclusive right, title and interest in, to and under said invention and in, to and under any Patent or similar legal protection to be obtained therefor in the United States of America, its territorial possessions and in any and all countries foreign thereto.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR hereby sells, assigns, transfers and sets over unto the said ASSIGNEE, its successors and assigns, the full and exclusive right, title and interest to said invention and to all Letters Patent or application or similar legal protection, not only in the United States and its territorial possessions, but in all countries foreign thereto to be obtained for said invention by said application, and to any continuation, division, renewal, substitute or reissue thereof or any legal equivalent thereof in the United States or a foreign country for the full term or terms for which the same may be granted, including all priority rights under the International Convention; and ASSIGNOR hereby authorizes and requests the Commissioner of Patents and Trademarks to issue

said Letters Patent or any legal equivalent thereof to said ASSIGNEE, its successors and assigns, in accordance with this Assignment.

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this Agreement;

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said application, said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents in the United States or in any foreign country, which may be necessary or desirable to carry out the purposes thereof.

WITNESS my hand at Mountain View,

California, this 16 day of July, 1999.


PETER THORNTON



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

OCTOBER 20, 1999

PTAS

LYON & LYON LLP
CHARLES A. KERTELL, ESQ.
633 WEST FIFTH STREET, SUITE 4700
LOS ANGELES, CA 90071-2066



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**UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT**

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 08/09/1999

REEL/FRAME: 010171/0818
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
THORNTON, PETER

DOC DATE: 07/16/1999

ASSIGNEE:
EMBOL-X, INC.
645 CLYDE AVENUE
MOUNTAIN VIEW, CALIFORNIA
94043-
2213

SERIAL NUMBER: 09370674
PATENT NUMBER:

FILING DATE: 08/09/1999
ISSUE DATE:

MARY BENTON, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

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U.S. DEPARTMENT OF COMMERCE
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FORM PTO-1595

1-31-92

Docket No. 233/270

2 SHEET



101124320

To the Honorable Commissioner of Patents and Trademarks, attached original documents or copy thereof.

| | | | |
|--|--|---|--|
| 1. Name of conveying party(ies): Peter Thornton Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | 2. Name and address of receiving party: Name: <u>EMBOL-X, INC.</u> Internal Address: _____ City: _____ State: _____ Zip: _____ Street Address: <u>645 Clyde Avenue</u> City: <u>Mountain View</u> State: <u>CA</u> Zip: <u>94043-2213</u> Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| 3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____ Execution Date: <u>July 16, 1999</u> | | 6. Total number of applications and patents involved: <u>1</u> 7. Total fee (37 CFR 3.41): \$ <u>40.00</u> <input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Charge this Deposit Account if any additional fee is required 8. Deposit Account Number: <u>12-2475</u> | |
| 4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: <u>July 16, 1999</u> A. Patent Application No(s). B. Patent No(s): Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | | |
| 5. Name and address of party to whom correspondence concerning document should be mailed: Name: <u>Charles A. Kertell, Esq.</u> Internal Address: <u>LYON & LYON LLP</u> <u>633 West Fifth Street, Suite 4700</u> <u>Los Angeles, CA 90071-2066</u> | | | |

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Charles A. Kertell
Charles A. Kertell, Reg No. 41,891Date: August 9, 1999Total number of pages including cover sheet: 3

OMB No. 0651-0011 (exp. 4/94)

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